



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,783	06/12/2002	Peter William Stratford	Q67462	2024

7590 01/10/2006

Sughrue Mion
2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

EXAMINER

TRUONG, KEVIN THAO

ART UNIT	PAPER NUMBER
----------	--------------

3731

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Note: This is in response to Pre. Amendment 12/21/2001. Previous restriction requirement 09/30/2005 has been withdrawn. New restriction requirement as follows:

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 23-43, drawn to a kit comprising a balloon catheter with stent mounted on its distal end, classified in class 623, subclass 1.12.
 - II. Claims 44-59, drawn to a method of assembly a balloon catheter, classified in class 128, subclass 898.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the balloon catheter as claimed can be made by another and materially different process which does not require after coating composition on the stent, then cure the coating composition to leave a coherent film of polymer on the exterior surface of the stent.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Art Unit: 3731

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

During a telephone conversation with John Callahan on 01/05/2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 23-43. Affirmation of this election must be made by applicant in replying to this Office action. Claims 44-59 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 3731

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 23-28 are rejected under 35 U.S.C. 102(e) as being fully anticipated by Whitbourne (U.S. 5,997,517).

Whitbourne discloses in the Abstract and col. 3 and 4, wherein the entire axial length of the balloon and stent are provided with a coherent coating, wherein the polymer coating can be cross-linked and has pendent zwitterionic group.

Allowable Subject Matter

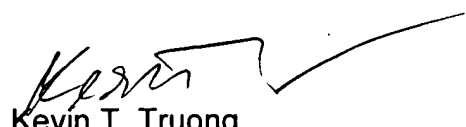
2. Claims 29-43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to disclose or suggest the polymer is formed of formula I-VIII as being claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin T. Truong whose telephone number is 571-272-4705. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3731

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin T. Truong
Primary Examiner
Art Unit 3731

ktt